

amount rather than to try to set a flat sum as to the jurisdictional amount. Five dollars as set in the present Constitution is obviously at this point of no importance. We have also retained the concept that in civil cases there shall be unanimous jury decisions, but we have permitted the legislature to reduce the size of civil juries to not less than six if it should so decide that it is desirable.

Under unusual punishments there have been no changes. The clause, "no conviction of crime shall work corruption of blood or forfeiture of estate", is an ancient and honorable right which guarantees that a person's family will be protected against the sins that a person himself may have committed.

Now we come to section 9, very quickly, Limitations on State Action, and there are three parts. "(A) The right to the writ of habeas corpus and the provisions of this Constitution shall not be suspended."

This follows pretty closely two Declarations of Rights, or rather it follows first of all Article III section 55 of the Maryland Constitution which provides that the General Assembly shall pass no law suspending the privilege of the writ of habeas corpus. It also follows Article 44 of the Declaration of Rights which provides that the Constitution shall remain in force in time of war and peace.

We will go into this further when discussion may develop on it.

There is one very important area where we have made changes, and that is in the case of eminent domain:

"Private property shall not be taken or damaged for public use or purposes without just compensation."

Under the present Constitution, we have found limitations which we believe can be clearly and more succinctly stated.

Let me say first of all that eminent domain is a prerogative of the Government, of the sovereignty, and it does not take a Constitutional grant to give it. What we are doing is providing prohibitions against the sovereign's right of eminent domain. We have done this in several ways.

First of all, we have stated that private property shall not be taken or damaged without just compensation. At present there has to be a physical intrusion on the property before you can recover damages.

Secondly, we added the word "purposes" to allow for the taking of public property

without having each separate purpose spelled out in the Constitution for purposes such as urban renewal, harbor development, and so forth.

Again, when we get more fully into discussion we will cover these more completely.

Finally, we have eliminated the provisions with respect to the necessity or rather the prohibition against the so-called "quick take" which would not allow the government to come in and take your property until the price has been agreed upon. But, as you know, there have been a number of exceptions spelled out in detail in the present Constitution. We hope that we have eliminated the need for such lengthy provisions.

This is something that ought to be and can be taken care of easily by uniform legislative action.

Hurrying on, because I will get this all done very quickly, section 9 (C), Bill of Attainder, "No bill of attainder or ex post facto law or law impairing the obligation of contracts shall be enacted."

These simply reiterate stated prohibitions against freedom that are set forth in both our own Constitution and in the Federal Constitution, with this exception. There is nothing in the present Maryland Constitution with respect to a law impairing the obligation of contracts, but there is in the Federal Constitution a prohibition against states enacting such a law, so in effect we have already had this protection.

In section 10 there is the reserved rights section which says, "The enumeration of rights in this Constitution shall not be construed to impair, disparage or deny others retained by the people."

As Exhibit C to this report you will find an article by Delegate Hardwicke in which he expounds quite considerably on this little-known and little-used amendment or declaration of rights, but one which may become increasingly important in the future.

Finally, ladies and gentlemen, last but not least, having covered these articles very quickly and very briefly, I would now like to comment only momentarily on the very first part of any Constitution, which I bring up last of all, the Preamble. The Preamble that we recommend to you says this:

"We, the People of the State of Maryland, grateful to Almighty God for our civil and religious freedom; recognizing that all political power originates in the people and that all government is instituted